IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 3901 of 2003

Between:

Mr.P.Ravikumar, S/o Perraju

Aged 44 years, Occ.Junior Assistant in the

O/o the 1st Junior Civil Judges Court, Tanuku,

W.G.District.

..... PETITIONER

AND

1. The Registrar (Administration,

High Court of A.P. Hyderabad.

2. The District Judge, W.G.District at Eluru,

W.G.District.

3. The Principal Junior Civil Judge,

Court of the Principal Junior Civil Judge,

Narsapur (W.G.District)

.....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of a writ of Mandamus, declaring that the orders dated 21.9.2000 and 2.12.2000 passed and issued by the 2nd respondent in his Dis.Nos.8777 dated 11.10.2000 and Dis.No.11051 dated 4.12.2000 respectively directing to treat the suspension period of the petitioner as leave to whichever he is eligible and to treat such period for which he is not eligible as extraordinary leave without pay and allowances as not just valid and proper contrary to law and the rules violative of the fundamental rules and the principles of natural justice and consequently to direct the respondents to treat the suspension period as duty period with full pay and allowances and to grant such other or further orders which the Honourable Court may be pleased to deem fit, just and proper.

Counsel for the Petitioner: MR.D.RAMALINGA SWAMY

Counsel for the Respondents.: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

ORAL ORDER: (Per the Hon'ble the Chief Justice)

The petitioner was proceeded against departmentally while he was working as L.D.Clerk in the Court of the Principal Junior Civil Judge, Tadepalligudem. In the enquiry, the petitioner was found guilty of Charge No.2. The other charges viz., charges 1 and 3 were found not proved. Respondent No.2, the disciplinary authority accepted the enquiry report and after following due procedure in law proceeded to impose on the petitioner punishment of reversion from the post of L.D.Clerk to that of Record Assistant by proceedings dated 21.9.2000. In continuation of the orders dated 21.9.2000, the District Judge has also passed an order recording the period of suspension from 12.3.1999 to 20.9.2000 to be treated as leave to which the petitioner is eligible and on 2.12.2000 another order was passed stating that the period of leave which is not in the credit of the petitioner is to be treated as extraordinary leave without pay and allowances. Subsequent proceedings dated 7.2.2001 were issued by the Principal Junior Civil Judge, Narsapur regarding the manner in which the period of suspension is to be treated.

In the meanwhile, the petitioner filed an appeal as against the order of the 2nd respondent dated 25.9.2000. The said appeal was partly allowed by proceedings dated 12.6.2002 by modifying the punishment of reversion to that of stoppage of two increments without cumulative effect. There was no order passed as regards the treatment of period of suspension and the case of the 1st respondent is that there was no appeal on that aspect and therefore no further orders were passed. In fact, the petitioner had questioned the said order by way of filing this writ petition and therefore we direct that this writ petition itself be treated as an appeal by the petitioner having been presented to the 1st respondent against the order passed by the 2nd respondent as regards the treatment of the period of suspension. Appropriate decision thereupon shall be taken by the 1st respondent in accordance with law by taking into consideration the fact that in appeal there was modification of the order of punishment imposed. A decision shall be taken by the 1st respondent within a period of two months from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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DEVINDER GUPTA, CJ

Dated 16.02.2005

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B.SESHASAYANA REDDY,J

msv

To

1. The Registrar (Administration,

High Court of A.P. Hyderabad.

2. The District Judge, W.G.District at Eluru,

W.G.District.

3. The Principal Junior Civil Judge,

Court of the Principal Junior Civil Judge,

Narsapur (W.G.District)

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